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C O N F I D E N T I A L SECTION 01 OF 03 ABUJA 001496

SIPDIS

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SUBJECT: NIGERIA: May 6-17 ROUND-UP

REF: ABUJA 1323

CLASSIFIED BY AMBASSADOR HOWARD F. JETER. REASON 1.5  
(B) AND (D).

1. (U) Summary. Political parties rail against the new Electoral Commission guidelines for party registration (paras 2-5). The Attorney General questions the constitutionality of the political compromise postponing local government elections to August (6-10). Presidential allies in the House of Representatives initiate impeachment motion against Speaker Na'Abba (11-12). End Summary.

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INEC GUIDELINES DRAW IRE  
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2. (C) The May 7 meeting between the political parties and the Independent Electoral Commission (INEC) about the guidelines for party registration was acrimonious. According to the guidelines, the groups that filed documents stating their intent to register as a political party could participate in the upcoming local elections. However, only those capturing at least ten percent of the local government votes in 24 states would be allowed to contest the 2003 state and national elections. Most party representatives at the meeting complained the guidelines were unconstitutional and designed to bar their participation in the 2003 elections. The National Legal Advisor for the Alliance for Democracy (AD) recalled a leader of one of the political associations expostulating that INEC was squandering its opportunity to perform a great service to Nigerian democracy. Instead, by promulgating rules effectively barring multi-party participation, INEC was committing a great crime that would result in "blood being spilled."

3. (C) The AD official claimed many attendees were incensed because they knew INEC had not drafted the guidelines. He asserted the guidelines were drafted in the Presidency and given to INEC, with INEC, in turn, handing them to the parties as an accomplished fact. He groused the meeting called by INEC was inaccurately billed as a consultation when, in fact, it was a pro forma meeting that gave the appearance of dialogue but had the substance of a dictate.

4. (C) An APP official told Poloff that many in his party believed the guidelines were a ploy. As currently drafted, the guidelines made it hard for any party, including the ruling PDP, to register. He believed the Presidency actually wants many parties to contest in 2003 in order to keep the opposition fragmented. The current guidelines were intended to generate strong reaction from the new political associations. Then, INEC would present more lenient guidelines. This would demonstrate that INEC was "impartial" because it listened to the opposition while actually serving the Obasanjo electoral strategy of splintering the opposition.

5. (C) Comment: Even by local standards, the machinations attributed to the INEC by the APP representative seem exceedingly obtuse. The AD official's assertion that the Presidency not INEC authored the guidelines seems more realistic. In any event, both statements reveal a deep distrust of INEC that does not portend well for the future. For elections to be credible, INEC must work hard to gain trust and be seen as a genuinely impartial administrator of the process.

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IS DEAL ON LOCAL ELECTIONS UNCONSTITUTIONAL?  
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16. (C) Last month's deal between State Governors, State Assembly leaders and the President to reschedule local government elections from May 18 to August 10 was a stroke of pragmatism in face of an impending emergency. INEC, which must administer voter and party registration, could not complete both tasks in time. May 18 elections would have disenfranchised the millions of voters who have become eligible since the 1999 voters roll was published. The elections also would have barred the many still-to-be registered political associations. These significant exclusions would have undermined the legitimacy of the local government exercise. Several lawsuits were filed to stop the elections. According to opposition party officials, some hot-heads within the opposition groups were contemplating more muscular ways of disrupting the exercise.

17. (C) Notwithstanding its utility in averting confrontation, the deal rests on uncertain legal footing. The bargain hinges on state governments enacting legislation to establish caretaker commitments to manage local government during the period between the May 29 termination of the current officers' tenures and the August election date. However, as stated reftel, the caretaker commitments are of questionable constitutionality. In a May 6 public statement, Nigeria's Attorney General agreed with that analysis. Attorney General Agabi said the formation of the caretaker committees violated the constitutional guarantee of democratically elected local government.

18. (C) While making a big public splash, Agabi's statement carried no legal weight. Calling caretaker committees illegal does not make them so. A court must do that and Agabi has declined to go to court on the matter. However, his pronouncement should encourage others to contest the workout. The current elected local councilmen are prime candidates to grab this cudgel.

19. (C) Apparently, some current local government officials were spurred by Agabi's statement. The May 16 Vanguard reported that, in a suit filed by a local government official, a Federal Court in Benue State enjoined the State Assembly from establishing the post-May 29 steering committees in that state. Similar lawsuits now may surface in other states. If so, Nigeria could be faced with a hodge-podge of some states establishing the committees with other states having vacant local government councils. Faced with this prospect and the potential confusion that would ensue, the constitutionality of the deal postponing local government elections might be on its way to the Supreme Court.

110. (C) Meanwhile, some politicians are shaking their heads at Agabi's legalism. AD National Chairman Abdulkadir admitted to PolCouns the proposed steering committees were unconstitutional, but a lesser evil. The other alternative would have been hasty elections that disenfranchised millions of voters and several political parties. Confronted with either the brief, three-month violation of the guarantee of democratic local government or the irreparable abrogation of the right to vote and participate if the elections took place in May, Abdulkadir had hoped the courts would purposely delay ruling on any suit filed against the deal until after the August election, thus rendering the suit moot. In Benue, this hope has already been dashed.

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BACK AT YOU!  
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111. (C) After months of House Speaker Ghali Na'Abba sniping at the President and orchestrating special sessions criticizing Obasanjo's performance, the President's men in the House have responded in kind. Obasanjo supporters in the House moved to impeach Na'Abba for alleged corruption. A reporter who covers the House described the session as tumultuous. After

the motion was presented, Na'Abba tried to address the House but was shouted down by opponents. When the frustrated Speaker attempted to leave the floor, opponents rushed the door physically barring his exit. There was plenty of commotion and some fists were thrown as opponents and allies pushed toward the exit in what the reporter called very puerile behavior by both sides.

12. (C) Attacking the veracity of the allegations against Na'Abba, his allies in the House charged that the Presidency bribed House members to present the impeachment motion. The Speaker's followers claimed House Members were promised several million Naira each and assured of reelection next year if they backed the impeachment motion. (Comment: Na'Abba has attempted to parlay his open attacks on the President into making him the rallying point for Obasanjo's detractors within the PDP. Na'Abba hoped public feuding with Obasanjo would buoy his long-shot presidential aspirations. Na'Abba had to realize that, as the President's most visible critic among PDP elected officials, he would become a political lightning rod after the President declared his intention to reclaim the PDP nomination. The President's strategists seek to preclude serious challenge inside the PDP. Thus, they want to silence Na'Abba. Recently, Governor Dariye of Plateau State (PDP) told PolOffs that Na'Abba had committed political treason against the party and that moves were afoot to make sure he was not re-elected to the House.

JETER